



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Charisius et al.

Group Art Unit: 2178

Application No: 09/944,696

Examiner: Stork, Kyle R

Filed: August 31, 2001

For: **METHODS AND SYSTEMS FOR ANIMATING A WORKFLOW AND A PROJECT PLAN**

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop: AF

Commissioner for Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the 01 June 2005 Final Office Action in the above-identified application, please consider the following arguments supporting allowance of the claimed subject matter. Please find enclosed a regular Notice of Appeal (Form PTO/SB/31) along with a check for \$500 covering the fee for the appeal. Also, please find enclosed a Pre-Appeal Brief Request for Review (Form PTO/SB/33).

REMARKS

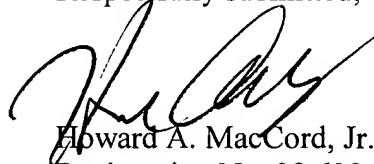
In the 01 June 2005 Final Office Action, the Examiner asserted that Microsoft's Word program displays a frequency of change in edit history. Applicants can find no teaching or suggestion in Microsoft Word that would lead one skilled in the art to display a frequency of change in edit history. Specifically, the Applicants assert that no combination of Boden, Nauckhoff and Microsoft Word discloses the claimed method of the current invention because the present invention displays visually distinctive portions of a plan as a function of frequency of change in the edit history. In other words, Microsoft Word does not provide a method for displaying the frequency of an edit. Microsoft Word only highlights edits that have been made without any regard to the frequency of edits. For example, a user of the Microsoft Word software can make an edit to a document and the edit will be highlighted for future reference. However, the change in the Word document can be reedited numerous times thereafter, and no visually distinctive highlight other than the original highlight will be displayed.

In contrast, the present invention displays portions of a plan in a visually distinctive manner as a function of frequency of edit change. For example, areas of a plan that undergo the most change may be made visually distinct (e.g., red or bolded or tagged with a number associated with the frequency of changes). Please see paragraph [0186] of the application. Moreover, there is no suggestion, teaching or motivation for combining Boden and Nauckhoff with Microsoft Word to come up with the present invention method of displaying portions of a plan in a visually distinctive manner as a function of frequency of change of the edits. In addition, the references cited but not applied, alone or in combination fail to contain any teaching or suggestion of methods and systems of the present invention method that displays portions of a plan in a visually distinctive manner as a function of frequency of change of the edits.

CONCLUSION

In view of the above remarks, it is believed that this application is in condition for allowance. If unresolved issues remain, the Examiner is invited to telephone applicant's attorney at the number below.

Respectfully submitted,



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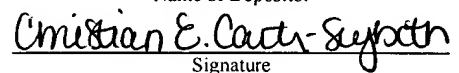
Date: August 31, 2005
File No.: 7399-026

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Signature

August 31, 2005

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Effective on 12/08/2004. Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
FEE TRANSMITTAL for FY 2005		Application Number	09/944,696
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	August 31, 2005
		First Named Inventor	Charisius, et al.
		Examiner Name	Kyle R. Stork
		Art Unit	2178
		Attorney Docket No.	7399-026
TOTAL AMOUNT OF PAYMENT (\$) 500			

METHOD OF PAYMENT (check all that apply)

- ☒ Check
 ☐ Credit Card
 ☐ Money Order
 ☐ None
 ☐ Other (please identify) : _____
- ☐ Deposit Account
 Deposit Account Number: 501923
 Deposit Account Name: MacCord Mason PLLC
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☐ Charge fee(s) indicated below
 ☐ Charge fee(s) indicated below, except for the filing fee
- ☐ Charge any additional fee(s) or underpayments of fee(s)
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- Under 37 CFR 1.16 and 1.17

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description		Small Entity	
Fee Description	Fee (\$)	Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)	50	25	
Each independent claim over 3 (including Reissues)	200	100	
Multiple dependent claims	360	180	
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
_____ -20 or HP= _____	x _____	= _____	
HP = highest number of total claims paid for, if greater than 20.			
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
_____ - 3 or HP= _____	x _____	= _____	
HP = highest number of independent claims paid for, if greater than 3.			

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Notice of Appeal Fee

Fees Paid (\$)

\$500

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	28,639	Telephone	(336) 273-4422
Name (Print/Type)	Howard A. MacCord, Jr.			Date	August 31, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/33 (07-05)
Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		7399-026	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>August 31, 2005</u></p> <p>Signature <u>Christian E. Carter-Seyboth</u></p> <p>Typed or printed name <u>Christian E. Carter-Seyboth</u></p>		Application Number	Filed
		09/944,696	August 31, 2001
		First Named Inventor	
		Charisius, et al.	
		Art Unit	Examiner
		2178	Kyle R. Stork
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. <u>28,639</u> Registration number</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>		<p><u>Howard A. MacCord, Jr.</u> Signature Typed or printed name</p> <p><u>(336) 273-4422</u> Telephone number</p> <p><u>August 31, 2005</u> Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>			
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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